

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

DAVID JONES,)
)
 Plaintiff,) CIVIL ACTION FILE
) NO.
 v.)
)
 DOUBLE "S" TRUCK LINE, INC.,)
 NATIONWIDE INSURANCE COMPANY)
 OF AMERICA, SCOTTSDALE)
 INDEMNITY COMPANY and)
 JOSEPH SKAGGS,)
)
 Defendants.)
)

PETITION FOR REMOVAL

COME NOW Defendants Double "S" Truck Line, Inc., Nationwide Insurance Company of America, Scottsdale Indemnity Company, and Joseph Skaggs, by and through the undersigned counsel, and pursuant to 28 U.S.C. § 1446 and 28 U.S.C. § 1332, hereby remove the above-styled action from the State Court of Gwinnett County, Georgia based on the following grounds:

1.

On or about August 6, 2021, Plaintiff David Jones filed suit against the above-named Defendants in the State Court of Gwinnett County, Georgia, civil action file

number 21-C-05806-S1. A copy of all process, pleadings and orders filed in this action are attached hereto as Exhibit "A."

2.

In his complaint, Plaintiff claimed Georgia as his residence. (Complaint, ¶ 1)

3.

Further, Plaintiff alleged that Defendant Double "S" is a Georgia corporation, Defendant Nationwide is an Ohio corporation, Defendant Scottsdale is an Ohio corporation, and Defendant Skaggs is a resident of North Carolina. (Complaint, ¶¶ 2-5)

4.

However, Plaintiff incorrectly provided corporate information for Double S Trucking, Inc., which was administratively dissolved in Georgia on August 25, 2017. Instead, the named Defendant, Double "S" Truck Line, Inc., is an Iowa corporation.

5.

Plaintiff claimed he suffered "severe and permanent injuries" that required medical attention. (See Complaint ¶ 11)

6.

Plaintiff claimed the following severe and permanent injuries: "... a traumatic brain injury, post-concussion syndrome, occipital neuralgia, paresthesia and left

knee injury.” (Complaint, ¶ 31)

7.

Given the current alleged injuries, potential future injuries, past and future medical expenses, and past and future lost wages, the amount in controversy exceeds \$75,000.00, exclusive of interest and costs. (Complaint ¶¶ 32–33)

8.

As such, Defendants may remove this action to this Court pursuant to 28 U.S.C. § 1332(a)(1) as there is complete diversity between Plaintiff and each Defendant.

9.

All Defendants consent to this removal.

10.

This notice of removal is filed within 30 days of these Defendants’ receipt of the complaint and is timely pursuant to 28 U.S.C. § 1446(b)(1).

11.

Pursuant to 28 U.S.C. § 90(a)(2), the United States District Court for the Northern District of Georgia, Atlanta Division, is the district court having jurisdiction over the geographical area where the state court action is pending. Pursuant to 28 U.S.C. § 1446(a), these Defendants are entitled to remove this action

from the State Court of Gwinnett County to this Court.

12.

These Defendants have given written notice of the filing of this notice to Plaintiff and the Clerk of the State Court of Gwinnett County, a copy of which is attached hereto as Exhibit "B."

13.

The undersigned have read this notice of removal, and to the best of the undersigned's knowledge, information, and belief, formed after reasonable inquiry, it is well grounded in fact; is warranted by existing law or an extension or modification of existing law; and is not interposed for any improper purposes, such as to harass or cause unnecessary delay or needless increase in the cost of this litigation.

14.

Based on the foregoing, these Defendants request that this Court allow the requested removal and assert jurisdiction over the state court action.

This 18th day of August, 2021.

FREEMAN MATHIS & GARY, LLP

By: /s/ Marc H. Bardack
Marc H. Bardack
Georgia Bar No. 037126

Carlos A. Fernández
Georgia Bar No. 789067

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CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically submitted the foregoing PETITION FOR REMOVAL to the Clerk of Court using the CM/ECF system which will automatically send electronic mail notification of such filing to counsel of record who are CM/ECF participants and mailed by United States Postal Service, first-class, postage prepaid, a paper copy of the same document to counsel of record who are non-CM/ECF participants. Counsel of record is:

Mande Moyer, Esq.
Moyer Law Firm
P.O. Box 673721
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This 18th day of August, 2021.

/s/ Marc H. Bardack

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